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Attorneys for Defendant, Rony Aponte

Our File No.: 6861.00001

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**ELIZABETH MCNAIR,  
ADMINISTRATOR AD PROSEQUENDUM  
OF THE ESTATE OF DARRELL SMITH,  
AND ELIZABETH MCNAIR,  
INDIVIDUALLY,**

Plaintiffs,

vs.

**STATE OF NEW JERSEY, DEPARTMENT  
OF CORRECTIONS, SPECIAL  
TREATMENT UNIT, ADULT  
DIAGNOSTIC & TREATMENT CENTER,  
COMMISSIONER MARCUS O. HICKS, IN  
HIS OFFICIAL AND INDIVIDUAL  
CAPACITY, RAYMOND ROYCE, IN HIS  
OFFICIAL AND INDIVIDUAL  
CAPACITY, NEW JERSEY  
DEPARTMENT OF HEALTH, RUTGERS,  
THE STATE UNIVERSITY OF NEW  
JERSEY, D/B/A/ RUTGERS BIOMEDICAL  
& HEALTH SCIENCES, UNIVERSITY  
CORRECTIONAL HEALTH CARE,  
CHARICE POWELL, IN HER OFFICIAL  
AND INDIVIDUAL CAPACITY,  
GIUSEPPE MANDARA, IN HIS OFFICIAL  
AND INDIVIDUAL CAPACITY, HENRY  
ACEBO, IN HIS OFFICIAL AND  
INDIVIDUAL CAPACITY, OFFICER  
JAGDAT PERSAD, IN HIS OFFICIAL  
AND INDIVIDUAL CAPACITY, OFFICER  
MARZETTIE SHAMBERGER, IN HIS**

**HON. WILLIAM J. MARTINI, USDJ**

**Civil Action No.: 2:21-CV-01291**

**JOINT STIPULATION OF  
DISMISSAL WITHOUT PREJUDICE**

Document Filed Electronically

**OFFICIAL AND INDIVIDUAL  
CAPACITY, SGT. FREDDIE  
RODRIGUEZ, IN HIS OFFICIAL AND  
INDIVIDUAL CAPACITY, OFFICER  
JOSE VALENTIN, IN HIS OFFICIAL AND  
INDIVIDUAL CAPACITY, OFFICER  
DAMI ON GILBERT, IN HIS OFFICIAL  
AND INDIVIDUAL CAPACITY, OFFICER  
RONY APONTE, IN HIS OFFICIAL AND  
INDIVIDUAL CAPACITY, OFFICER  
TIMOTHY FOSTER, IN HIS OFFICIAL  
AND INDIVIDUAL CAPACITY, OFFICER  
BENNY PEREZ, IN HIS OFFICIAL AND  
INDIVIDUAL CAPACITY, SGT. TIMMIE  
ORANGE, IN HIS OFFICIAL AND  
INDIVIDUAL CAPACITY, SGT. PHILIP  
RILEY, IN HIS OFFICIAL AND  
INDIVIDUAL CAPACITY, LT. ANTONIO  
COSTEIRO, IN HIS OFFICIAL AND  
INDIVIDUAL CAPACITY, LT.  
FRANCISCO ESTRADA, IN HIS  
OFFICIAL AND INDIVIDUAL  
CAPACITY, ARTHUR BREWER, M.D.,  
CCHO, IN HIS OFFICIAL AND  
INDIVIDUAL CAPACITY, FRANK A.  
GHINASSI, PHD, IN HIS OFFICIAL AND  
INDIVIDUAL CAPACITY, JULIE WHITE,  
MSW, CCHP, IN HER OFFICIAL AND  
INDIVIDUAL CAPACITY, IHUOMA  
NWACHUKWU, M.D., IN HER OFFICIAL  
AND INDIVIDUAL CAPACITY,  
BHARATKUMAR R. PATEL, M.D., IN HIS  
OFFICIAL AND INDIVIDUAL  
CAPACITY, BENEDICTA KONAMAH,  
RN, IN HER OFFICIAL AND  
INDIVIDUAL CAPACITY, BALMATEE  
NAIDOO, R.N., IN HER OFFICIAL AND  
INDIVIDUAL CAPACITY, YVONNE P.  
PADEN, R.N., IN HER OFFICIAL AND  
INDIVIDUAL CAPACITY, MARIE  
COLTILDE FLEURANTIN R.N., IN HER  
OFFICIAL AND INDIVIDUAL  
CAPACITY, DELORES GUIDA, R.N., IN  
HER OFFICIAL AND INDIVIDUAL  
CAPACITY, JOHN DOES 1-20, JANE  
ROES 1-20, IN THEIR OFFICIAL AND**

**INDIVIDUAL CAPACITY, AND ABC  
COMPANY/ CORPORATION, 1-10  
(FICTITIOUS NAMES),**

**Defendants.**

Elizabeth McNair, Administrator Ad Prosequendum of The Estate of Darrell Smith, and Elizabeth McNair, Individually ("Plaintiffs"), and Rony Aponte ("Defendant Aponte") hereby stipulate and agree as follows:

1. All Counts of the Second Amended Complaint are dismissed without prejudice against Defendant Aponte only, with each party to bear their own costs, including any attorneys' fees and other expenses of this litigation with respect thereto.

2. Accordingly, there are no remaining claims against Defendant Aponte, who is hereby dismissed entirely from this action without prejudice.

3. Defendant Aponte further agrees that if Plaintiffs choose to re-file the above-referenced action against him, Defendant Aponte will not assert the Statute of Limitations as a defense to such re-filed action.

4. Plaintiffs have not received, and will not receive, any monetary consideration in connection with this voluntary dismissal.

By: /s/ Tracey Hinson  
Tracey C. Hinson

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Dated: 8/17/22

By: Frederick B. Polak  
Frederick B. Polak

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Dated: 8/19/22